

STEPHEN D. HANS & ASSOCIATES, P.C.
30-30 Northern Boulevard, Suite 401
Long Island City, New York 11101
Tel: 718.275.6700
Fax: 718.275.6704
Attorneys for the Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSE GUTIERREZ, JUAN MONTENEGRO, NOEL
BAQUEDANO, WILLIAN RODRIGUEZ, ANGEL
RODRIGUEZ and HAROLD VENTURA, on behalf
of themselves and others similarly situated,

Plaintiffs,

-against-

Index No. 20-cv-5380(GRB)(AKT)

ANSWER

DAVINCI'S RESTAURANT, CHRISTINA A. I/n/u,
GEORGE I/n/u, JOSE BONILLA, and JOHN/JANE
DOES 1-10,

Defendants.

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The defendants DAVINCI'S RESTAURANT, CHRISTINA A. I/n/u, GEORGE I/n/u, JOSE
BONILLA, and JOHN/JANE DOES 1-10, (hereinafter referred to, collectively, as the
"Defendants"), by and through their attorneys, STEPHEN D. HANS AND ASSOCIATES, P.C., as
and for their Answer to the complaint dated and filed on January 19, 2021 (hereinafter the
"Complaint") by the plaintiff JOSE GUTIERREZ, JUAN MONTENEGRO, NOEL
BAQUEDANO, WILLIAN RODRIGUEZ, ANGEL RODRIGUEZ and HAROLD VENTURA,
(hereinafter referred to as the "Plaintiff"), respond as follows:

**AS AND FOR AN ANSWER TO PLAINTIFF'S
ALLEGATIONS REGARDING "NATURE OF ACTION"**

1. With respect to the allegations contained in Paragraph 1 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

2. With respect to the allegations contained in Paragraph 2 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
ALLEGATIONS REGARDING THE "PARTIES"**

3. With respect to the allegations contained in Paragraph 3 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

4. With respect to the allegations contained in Paragraph 4 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

5. With respect to the allegations contained in Paragraph 5 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

6. With respect to the allegations contained in Paragraph 6 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

7. With respect to the allegations contained in Paragraph 7 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

8. With respect to the allegations contained in Paragraph 8 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

9. With respect to the allegations contained in Paragraph 9 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

10. With respect to the allegations contained in Paragraph 10 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

11. With respect to the allegations contained in Paragraph 11 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.

12. With respect to the allegations contained in Paragraph 11 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.

13. With respect to the allegations contained in Paragraph 13 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

14. With respect to the allegations contained in Paragraph 14 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

15. With respect to the allegations contained in Paragraph 15 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

16. With respect to the allegations contained in Paragraph 16 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

17. With respect to the allegations contained in Paragraph 17 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

18. With respect to the allegations contained in Paragraph 18 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

19. With respect to the allegations contained in Paragraph 19 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

20. With respect to the allegations contained in Paragraph 20 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

21. With respect to the allegations contained in Paragraph 21 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

22. With respect to the allegations contained in Paragraph 22 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

23. With respect to the allegations contained in Paragraph 23 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

24. With respect to the allegations contained in Paragraph 24 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

25. With respect to the allegations contained in Paragraph 25 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

26. With respect to the allegations contained in Paragraph 26 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
ALLEGATIONS REGARDING THE "FLSA COLLECTIVE ACTION ALLEGATIONS"**

27. With respect to the allegations contained in Paragraph 27 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

28. With respect to the allegations contained in Paragraph 28 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

29. With respect to the allegations contained in Paragraph 29 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

30. With respect to the allegations contained in Paragraph 30 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
ALLEGATIONS REGARDING THE "CLASS ACTION ALLEGATIONS"**

31. With respect to the allegations contained in Paragraph 31 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

32. With respect to the allegations contained in Paragraph 32 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

33. With respect to the allegations contained in Paragraph 33 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

34. With respect to the allegations contained in Paragraph 34 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

35. With respect to the allegations contained in Paragraph 35 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

36. With respect to the allegations contained in Paragraph 36 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

37. With respect to the allegations contained in Paragraph 37 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

38. With respect to the allegations contained in Paragraph 38 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

a. With respect to the allegations contained in Paragraph 38a of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

b. With respect to the allegations contained in Paragraph 38b of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

- c. With respect to the allegations contained in Paragraph 38c of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
- d. With respect to the allegations contained in Paragraph 38d of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
- e. With respect to the allegations contained in Paragraph 38e of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
- f. With respect to the allegations contained in Paragraph 38f of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
- g. With respect to the allegations contained in Paragraph 38g of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
- h. With respect to the allegations contained in Paragraph 38h of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
ALLEGATIONS REGARDING THE "STATEMENT OF FACT"**

39. With respect to the allegations contained in Paragraph 39 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

40. With respect to the allegations contained in Paragraph 40 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

41. With respect to the allegations contained in Paragraph 41 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

42. With respect to the allegations contained in Paragraph 42 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

43. With respect to the allegations contained in Paragraph 43 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

44. With respect to the allegations contained in Paragraph 44 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

45. With respect to the allegations contained in Paragraph 45 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

46. With respect to the allegations contained in Paragraph 46 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

47. With respect to the allegations contained in Paragraph 47 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

48. With respect to the allegations contained in Paragraph 48 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

49. With respect to the allegations contained in Paragraph 49 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

50. With respect to the allegations contained in Paragraph 50 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

51. With respect to the allegations contained in Paragraph 51 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

52. With respect to the allegations contained in Paragraph 52 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

53. With respect to the allegations contained in Paragraph 53 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

54. With respect to the allegations contained in Paragraph 54 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

55. With respect to the allegations contained in Paragraph 55 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

56. With respect to the allegations contained in Paragraph 56 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

57. With respect to the allegations contained in Paragraph 57 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

58. With respect to the allegations contained in Paragraph 58 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

59. With respect to the allegations contained in Paragraph 59 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

60. With respect to the allegations contained in Paragraph 60 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

61. With respect to the allegations contained in Paragraph 61 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

62. With respect to the allegations contained in Paragraph 62 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

63. With respect to the allegations contained in Paragraph 63 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

64. With respect to the allegations contained in Paragraph 64 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

65. With respect to the allegations contained in Paragraph 65 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

66. With respect to the allegations contained in Paragraph 66 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

67. With respect to the allegations contained in Paragraph 67 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

68. With respect to the allegations contained in Paragraph 68 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

69. With respect to the allegations contained in Paragraph 69 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

70. With respect to the allegations contained in Paragraph 70 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

71. With respect to the allegations contained in Paragraph 71 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

72. With respect to the allegations contained in Paragraph 72 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

73. With respect to the allegations contained in Paragraph 73 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

74. With respect to the allegations contained in Paragraph 74 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

75. With respect to the allegations contained in Paragraph 75 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

76. With respect to the allegations contained in Paragraph 76 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

77. With respect to the allegations contained in Paragraph 77 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

78. With respect to the allegations contained in Paragraph 78 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

79. With respect to the allegations contained in Paragraph 79 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

80. With respect to the allegations contained in Paragraph 79 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
ALLEGATIONS REGARDING THE "FIRST CAUSE OF ACTION"**

81. The Defendant repeats and reasserts each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as through fully set forth herein.

82. With respect to the allegations contained in Paragraph 82 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

83. With respect to the allegations contained in Paragraph 83 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

84. With respect to the allegations contained in Paragraph 84 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

85. With respect to the allegations contained in Paragraph 85 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
ALLEGATIONS REGARDING THE "SECOND CAUSE OF ACTION"**

86. The Defendant repeats and reasserts each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as through fully set forth herein.

87. With respect to the allegations contained in Paragraph 87 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

88. With respect to the allegations contained in Paragraph 88 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

89. With respect to the allegations contained in Paragraph 89 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

90. With respect to the allegations contained in Paragraph 90 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

91. With respect to the allegations contained in Paragraph 91 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
ALLEGATIONS REGARDING THE "THIRD CAUSE OF ACTION"**

92. The Defendant repeats and reasserts each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as through fully set forth herein.

93. With respect to the allegations contained in Paragraph 90 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

94. With respect to the allegations contained in Paragraph 90 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
ALLEGATIONS REGARDING THE "FOURTH CAUSE OF ACTION"**

95. The Defendant repeats and reasserts each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as through fully set forth herein.

96. With respect to the allegations contained in Paragraph 96 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

97. With respect to the allegations contained in Paragraph 97 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

98. With respect to the allegations contained in Paragraph 98 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
ALLEGATIONS REGARDING THE "FIFTH CAUSE OF ACTION"**

99. The Defendant repeats and reasserts each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as through fully set forth herein.

100. With respect to the allegations contained in Paragraph 100 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

101. With respect to the allegations contained in Paragraph 101 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
ALLEGATIONS REGARDING THE "SIXTH CAUSE OF ACTION"**

102. The Defendant repeats and reasserts each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as through fully set forth herein.

103. With respect to the allegations contained in Paragraph 103 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

104. With respect to the allegations contained in Paragraph 104 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

105. With respect to the allegations contained in Paragraph 87 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

106. With respect to the allegations contained in Paragraph 87 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
ALLEGATIONS REGARDING THE "SEVENTH CAUSE OF ACTION"**

107. The Defendant repeats and reasserts each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as through fully set forth herein.

108. With respect to the allegations contained in Paragraph 108 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

109. With respect to the allegations contained in Paragraph 109 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

110. With respect to the allegations contained in Paragraph 110 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

111. With respect to the allegations contained in Paragraph 111 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

112. With respect to the allegations contained in Paragraph 112 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

113. With respect to the allegations contained in Paragraph 113 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

114. With respect to the allegations contained in Paragraph 114 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

115. With respect to the allegations contained in Paragraph 115 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

116. With respect to the allegations contained in Paragraph 116 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
ALLEGATIONS REGARDING THE "EIGHTH CAUSE OF ACTION"**

117. The Defendant repeats and reasserts each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as through fully set forth herein.

118. With respect to the allegations contained in Paragraph 118 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

119. With respect to the allegations contained in Paragraph 119 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

120. With respect to the allegations contained in Paragraph 120 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

121. With respect to the allegations contained in Paragraph 121 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

122. With respect to the allegations contained in Paragraph 122 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

123. With respect to the allegations contained in Paragraph 123 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

124. With respect to the allegations contained in Paragraph 124 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

125. With respect to the allegations contained in Paragraph 125 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

126. With respect to the allegations contained in Paragraph 126 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

127. With respect to the allegations contained in Paragraph 127 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

128. With respect to the allegations contained in Paragraph 128 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

129. With respect to the allegations contained in Paragraph 129 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

130. With respect to the allegations contained in Paragraph 130 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

131. With respect to the allegations contained in Paragraph 116 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

132. With respect to the allegations contained in Paragraph 132 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

133. With respect to the allegations contained in Paragraph 133 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

134. With respect to the allegations contained in Paragraph 134 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

135. With respect to the allegations contained in Paragraph 135 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

136. With respect to the allegations contained in Paragraph 136 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

137. With respect to the allegations contained in Paragraph 137 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
ALLEGATIONS REGARDING THE "EIGHTH CAUSE OF ACTION"**

138. The Defendant repeats and reasserts each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as through fully set forth herein.

139. With respect to the allegations contained in Paragraph 132 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

140. With respect to the allegations contained in Paragraph 140 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

141. With respect to the allegations contained in Paragraph 141 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

142. With respect to the allegations contained in Paragraph 142 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

143. With respect to the allegations contained in Paragraph 143 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

144. With respect to the allegations contained in Paragraph 144 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

145. With respect to the allegations contained in Paragraph 145 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

146. With respect to the allegations contained in Paragraph 146 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

147. With respect to the allegations contained in Paragraph 147 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

148. With respect to the allegations contained in Paragraph 148 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

149. With respect to the allegations contained in Paragraph 149 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

150. With respect to the allegations contained in Paragraph 150 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

RESPONSE TO PLAINTIFF'S PRAYER FOR RELIEF

The Defendants, upon information and belief, deny all statements made with respect to Defendants and assert that the Plaintiff is not entitled to any of the relief from the Defendants as sought in the Plaintiff's Prayer for Relief, including subparagraphs (a) through (r) thereof.

AFFIRMATIVE DEFENSES AND OTHER DEFENSES

The Defendants assert the following affirmative defenses and other defenses without assuming any burden of production or proof that they would not otherwise have. The Defendants further assert that, to the extent that the Plaintiff's claims as alleged are vague or unclear, so as to render it difficult or impossible to identify and assert every possible affirmative defense or other

defense, the Defendants hereby expressly reserve their rights to assert additional defenses should further proceedings in this action, including the progress of any discovery, reveal that such additional defenses would be applicable and appropriate.

AS AND FOR A THIRD DEFENSE TO THE PLAINTIFF'S COMPLAINT

The Defendants state, in the alternative if necessary, that their actions or omissions with respect to the Plaintiff were taken in good faith, with reasonable belief that such conduct comported with the requirements of federal and state law.

AS AND FOR A FOURTH DEFENSE TO THE PLAINTIFF'S COMPLAINT

The Defendants state, in the alternative if necessary, that if they are found to have violated any law or regulation, that any such violation was not willful.

AS AND FOR A SIXTH DEFENSE TO THE PLAINTIFF'S COMPLAINT

Plaintiff claims pursuant to New York Labor Law § 195 for alleged failure to provide required wage notices and/or wage statements are barred and/or may be reduced for any pay periods in which the Defendants made complete and timely payment of all wages due as required by the applicable articles of the New York Labor Law.

RESERVATION OF RIGHTS TO ASSERT ADDITIONAL DEFENSES

The Defendants state that they currently have insufficient knowledge or information on which to form a belief as to whether they may have additional, as yet unstated, defenses available. As such, the Defendants expressly reserve the right to assert additional defenses, and to seek to amend this answer to include any such additional defenses, in the event that discovery indicates that any such additional defenses would be appropriate.

WHEREFORE, the Defendants respectfully request that judgment be entered by this Court dismissing any claims in the Plaintiff's Complaint that may be lacking in merit, with prejudice, and granting such further relief as may be just and proper.

Dated: Long Island City, New York
January 29, 2021

STEPHEN D. HANS & ASSOCIATES, P.C.

By: /s/Stephen D. Hans
Stephen D. Hans (SH-0798)
30-30 Northern Boulevard, Suite 401
Long Island City, New York 11101
Tel: 718.275.6700
Attorneys for the Defendants